

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

EDWARD A. BILISKI

Plaintiff,

V.

) C.A. No. 06-740-GMS

RED CLAY CONSOLIDATED SCHOOL DISTRICT BOARD OF EDUCATION, IRWIN J. BECNEL, JR., CHARLES CAVANAUGH, GARY LINARDUCCI, JAMES J. BUCKLEY, MARGUERITE VAVALA, YVONNE JOHNSON, MARTIN A. WILSON, SR, individually and in their official capacities as members of the Red Clay Consolidated School District Board of Education, ROBERT J. ANDRZEJEWSKI, individually and in his official capacity as Superintendent of Red Clay Consolidated School District; and RED CLAY CONSOLIDATED SCHOOL DISTRICT.

**Defendants.**

## **ANSWER AND AFFIRMATIVE DEFENSES**

**Defendants answer Plaintiff's Complaint as follows:**

1. This paragraph states a legal conclusion as to which no response is required. By way of further answer, defendants deny that plaintiff's claims have legal or factual merit.

2. This paragraph states a legal conclusion as to which no response is required. By way of further answer, defendants deny that plaintiff's claims have legal or factual merit.

3. Admitted that plaintiff was employed by defendant Red Clay Consolidated School District Board of Education in the geographic area of the State of Delaware. It is denied that plaintiff's claims have factual or legal merit.

#### **THE PARTIES**

4. Admitted upon information and belief that plaintiff is a male citizen of the United States and a resident of New Castle County, State of Delaware. It is also admitted that plaintiff was formerly employed as a computer technician by defendant, Red Clay Consolidated School District Board of Education.

5. Admitted.

6. Admitted.

7. Admitted.

8. Admitted.

9. This paragraph states a legal conclusion as to which no response is required. By way of further answer, defendants deny that plaintiff's claims have legal or factual merit.

#### **FACTS COMMON TO ALL COUNTS**

10. Admitted that plaintiff was hired by a Defendant of Red Clay Consolidated School District Board of Education, on or about March 21, 2001 and that his employment was terminated on August 8, 2006, effective 8/11/06. Admitted that on August 8, 2006, plaintiff met with Ted Ammann, Manager of Technology, and Debra Davenport, the District's Manager of Human Resources.

11. Admitted that Plaintiff received copies of the documents attached as Exhibits 1 through 3 respectively to his complaint. Each memorandum speaks for itself. It is

further admitted that on August 8, 2006 Plaintiff received the letter attached to the Complaint as Exhibit 4.

12. Denied.

13. Denied.

**CLAIMS ARISING UNDER 42 U.S.C. §1983**

14. Defendants repeat and reallege their answers to Paragraphs 1 through 13 as if fully set forth herein.

15. Denied.

16. Denied.

17. Denied.

18. Denied.

19. Denied.

**AFFIRMATIVE DEFENSES**

**FIRST AFFIRMATIVE DEFENSE**

Plaintiff's claims fail to state a claim upon which relief can be granted.

**SECOND AFFIRMATIVE DEFENSE**

Plaintiff's claims fail in whole or in part because at all times Defendant made a good faith effort to comply with applicable law, acted lawfully and with legitimate non-discriminatory business reasons.

**THIRD AFFIRMATIVE DEFENSE**

Plaintiff's claims are barred in whole or in part by his failure to mitigate damages.

**FOURTH AFFIRMATIVE DEFENSE**

Plaintiff's Complaint may be denied in whole or in part with the doctrine of after-acquired evidence.

**FIFTH AFFIRMATIVE DEFENSE**

The individual defendants are entitled to Qualified Immunity from the suit.

WHEREFORE, Defendants respectfully request that this action be dismissed with prejudice, with costs and attorneys' fees assessed against Plaintiff.

YOUNG CONAWAY STARGATT & TAYLOR, LLP

/s/ Barry M. Willoughby

Barry M. Willoughby, Esquire (I.D. No. 1016)

The Brandywine Building

1000 West Street, 17<sup>th</sup> Floor

P.O. Box 391

Wilmington, DE 19899-0391

Telephone: (302) 571-6666

Facsimile: (302) 576-3345

Email: [bwilloughby@ycst.com](mailto:bwilloughby@ycst.com)

Attorney for Defendants, Red Clay Consolidated  
School District Board of Education, et al.

Dated: February 6, 2007